

MINUTES

**MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION
COMMITTEE ON BUSINESS AND INDUSTRY**

Call to Order: By **CHAIRMAN JOHN HERTEL**, on March 26, 1999 at
8:03 A.M., in Room 410 Capitol.

ROLL CALL

Members Present:

Sen. John Hertel, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Dale Berry (R)
Sen. Vicki Cocchiarella (D)
Sen. Bea McCarthy (D)
Sen. Glenn Roush (D)
Sen. Fred Thomas (R)

Members Excused: None.

Members Absent: None.

Staff Present: Bart Campbell, Legislative Branch
Mary Gay Wells, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 437, 3/10/1999
HB 321, 3/10/1999
HB 322, 3/10/1999
Executive Action: HB 437; HB 321
HJR 32; HB 322

{Tape : 1; Side : A; Approx. Time Counter : 0}

HEARING ON HB 437

Sponsor: REP. BETTY LOU KASTEN, HD 99, Brockway

Proponents: Bill Squires, Montana Telecommunications Assn.
Mike Strand, Montana Independent Telecommunication
Systems
Tony Herbert, Department of Administration

Opponents: None

Opening Statement by Sponsor:

REP. BETTY LOU KASTEN, HD 99, Brockway. When we put in the enhanced 911 in the last biennium, we did not indemnify them. Please consider this bill.

Proponents' Testimony:

Bill Squires, Montana Telecommunications Association. This is a small, but important, change to the existing indemnification language to telecommunications providers who provide the 911 system across Montana. The enhanced 911 system supplies the emergency service personnel with Automatic Location Identification (ALI) and Automatic Number Identification (ANI). The information is on the screen and they can tell the emergency responding personnel where to go and how to get to where the emergency is. The indemnification statute does not fit with current technology, and the change allows our companies to populate the data base with customers' names, addresses, etc., before there is an emergency. Wireless carriers are included in the language of the bill. We encourage a DO PASS.

Mike Strand, Montana Independent Telecommunication Systems. The bill is small, but very important. We urge the Committee to pass HB 437.

Tony Herbert, Department of Administration. Our office manages the enhanced 911 program for Montana. We endorse this bill because it is important these companies be able to do the business at hand. We urge your support.

Opponents' Testimony: None.

Questions from Committee Members and Responses: None.

Closing by Sponsor:

REP. BETTY LOU KASTEN closed.

EXECUTIVE ACTION ON HB 437

Motion/Vote: SEN. MCCARTHY moved that HB 437 BE CONCURRED IN.
Motion carried unanimously 7-0.

SEN. MCNUTT will carry the bill on the Senate Floor.

{Tape : 1; Side : A; Approx. Time Counter : 3.9}

HEARING ON HB 321

Sponsor: REP. DAN FUCHS, HD 15, Billings

Proponents: Gordon Mohland, Private Citizen
Bill Beam, Elevator Industry
Ray Stidham, Private Citizen

Opponents: None

Opening Statement by Sponsor:

REP. DAN FUCHS, HD 15, Billings. This is the elevator safety bill and I will give you some information **EXHIBIT (bus68a01)**. Montana is the only state which does not inspect its equipment elevators and, over the years, there have been injuries and deaths. For some reason, it has not adopted that part of the A.S.M.E./A.N.S.I. A17.1 language. This bill is attempting to add elevators and dumbwaiters to be inspected.

Proponents' Testimony:

Gordon Mohland, Private Citizen, Billings. I perform service on the equipment listed in the bill. I am here in support of the bill and will be available for questions. The safety issue is very real because all serious injuries or fatalities have occurred on uninspected elevators and related equipment. Almost all the serious injuries and fatalities could have been prevented if the equipment had been inspected. Most of the deficiencies were minor, i.e. door problem, lack of doors, door locks, broken cable, etc. There are 47 states which inspect elevators and related equipment and Montana is the only state which does not inspect everything covered under A.N.S.I. A17.1. Since Montana has adopted this code, it is time to inspect all equipment governed by the code.

Bill Beam, Elevator Industry. I am an elevator inspector who inspects passenger elevators, escalators and handicapped lifts.

I totally agree it is very, very important for the well-being of anyone in Montana who comes in contact with dumbwaiters and freight elevators on a daily basis. Many of them really need to be looked at.

Ray Stidham, Private Citizen. I am in strong support of this bill because in my daily duties, I have the opportunity to survey a number of these units. It is my personal and professional opinion a number of these units are par-standard and very unsafe. Some individuals, by their occupation, are required to ride these units and do not know they are unsafe. I would appreciate your support of the bill.

Opponents' Testimony: None.

Questions from Committee Members and Responses:

SEN. BEA MCCARTHY commented the bill did not state how often the inspection was desired. **Gordon Mohland** said according to A17.1, an annual inspection was required. The state of Montana adopted those codes but they were bound by the statute which said "passenger elevators in public places". That is the part the bill is trying to change.

SEN. MCCARTHY referred to **(EXHIBIT 1)** and wondered about the dates of the accidents. **Mr. Mohland** said they ranged from 1975 to 1996.

SEN. MCCARTHY asked if additional personnel would be needed in order to make it effective. **Bill Beam** said they anticipated enough of a workload to add another part time person. They currently had two part time inspectors.

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SEN. VICKI COCCHIARELLA asked if the money in the fiscal note would come from the assessed fees. **REP. DAN FUCHS** affirmed, and added it was their responsibility to take care of public health and safety, and **HB 321** did that.

SEN. FRED THOMAS asked the amount of the current inspection fee. **Bill Beam** said it was \$100 for passenger elevators and \$70 for handicapped lifts.

SEN. THOMAS asked if some of the elevators were out of code, but grandfathered in. **Bill Beam** said 5% of the units could be a problem, because there was no economical way the owner could bring them to the latest code requirements. Therefore, basic guidelines had to be set, which would include enclosures of

platforms, gates with electrical interlocks, hoistway gates with electrical interlocks, emergency stop switch, etc. He said everyone in the Department had to work together to come up with needed minimal requirements. In other words, the dumbwaiters would have to be brought up to current code, but perhaps to a lesser degree. However, they would still have to meet certain requirements. **Gordon Mohland** said there was a provision in A17.1 which dealt with existing elevators and they were not required to be up to the 1999 or 2000 standards. However, there was a part in the code which would cover existing elevators and their need for the minimum safety issues. In other words, brand new elevators are required to be up to code, while existing elevators are not.

SEN. THOMAS asked if the state building code had an exemption. **Mr. Mohland** said the state building code adopted A17.1, which was American National Safety Institute code for elevators.

SEN. THOMAS asked if old elevators and dumbwaiters were acceptable. **Gordon Mohland** answered the code said "existing equipment", which was an inclusive term.

SEN. THOMAS commented the bill required the inspection of their safety and not their virtual elimination.

SEN. MCCARTHY asked if A17.1 allowed for the elimination of an elevator deemed unsafe after its inspection. **Mr. Mohland** said the Department would have to determine at what point the elevator would be considered unsafe; however, it was not covered under current codes. **Bill Beam** interjected if they found an elevator which had an obvious safety hazard, they turned it off. **Mr. Mohland** stated the concern of freight elevators and dumbwaiters was that they were used by nurses, package delivery people, etc., every day. They were totally unaware they were using equipment which was never inspected.

SEN. JOHN HERTEL asked if the passage of **HB 321** would mean any elevator or dumbwaiter in any facility would be checked, regardless of whether or not there was public access. **Mr. Mohland** said private residences were excluded. The only equipment to be inspected was listed in the first paragraph of the bill.

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Closing by Sponsor:

REP. DAN FUCHS. The title of the bill lists both agriculture operations and private residences as exemptions. I hope you can

appreciate the benefits of passing this legislation, such as reducing insurance rates, liability and lawsuits. I would appreciate your keeping the bill moving through the process. **SEN. VICKI COCCHIARELLA** will carry **HB 321** on the Senate Floor.

HEARING ON HB 322

Sponsor: **REP. DAN FUCHS, HD 322, Billings**

Proponents: **None**

Opponents: **None**

Opening Statement by Sponsor:

REP. DAN FUCHS, HD 322, Billings. I would ask you to table **HB 322** because of its CI-75 language.

Proponents' Testimony: **None.**

Opponents' Testimony: **None.**

Questions from Committee Members and Responses: **None.**

Closing by Sponsor: **None.**

{Tape : 1; Side : A; Approx. Time Counter : 25.7}

EXECUTIVE ACTION ON HB 322

Motion/Vote: **SEN. MCCARTHY** moved that **HB 322 BE TABLED**. Motion carried unanimously 7-0.

EXECUTIVE ACTION ON HB 321

Motion/Vote: **SEN. MCCARTHY** moved that **HB 321 BE CONCURRED IN**. Motion carried unanimously 7-0.

SEN. COCCHIARELLA will carry the bill on the Senate Floor

EXECUTIVE ACTION ON HJR 32

Motion/Vote: SEN. THOMAS moved HJR 32 be taken from the table.
Motion carried 5-2, with SEN. HERTEL AND SEN. MCCARTHY voting no.

Motion/Vote: SEN. THOMAS moved that HJR 32 BE CONCURRED IN.
Motion carried 5-2, with SEN. HERTEL AND SEN. MCCARTHY voting no.

SEN. THOMAS will carry the bill on the Senate Floor.

ADJOURNMENT

Adjournment: 8:40 A.M.

SEN. JOHN HERTEL, Chairman

MARY GAY WELLS, Secretary

JH/MGW

EXHIBIT (bus68aad)